

La REDDOLA, LESTER & ASSOCIATES, LLP
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Attorneys for Defendant Nancy Olicker and
Defendant/Third-Party Plaintiff Sample Sale Productions, LLC
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GUCCI AMERICA, INC., a New York corporation,

Case No. 08-CV-4451 (DC)

Plaintiff,

**ANSWER AND
THIRD-PARTY COMPLAINT**

-against-

NANCY OLICKER, individually, d/b/a
SAMPLE SALE PRODUCTIONS d/b/a
SAMPLESALEPRODUCTIONS.COM; SAMPLE
SALE PRODUCTIONS, LLC, a New York limited
liability company, d/b/a SAMPLE SALE PRODUCTIONS
d/b/a SAMPLESALEPRODUCTIONS.COM and
DOES 1-10,

Defendants.

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SAMPLE SALE PRODUCTIONS, LLC,

Third-Party Plaintiff,

-against-

NUSRATY CORP. and NARGIS NUSRATY,

Third-Party Defendants.

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Defendants Nancy Olicker and Sample Sale Productions, LLC, by their attorneys, La Reddola, Lester & Associates, LLP, for their answer to the complaint of plaintiff Gucci America, Inc.:

1. Paragraph 1 of the Complaint sets forth legal conclusions to which no response is required.

2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 2, 9, 10, 12, 13, 14, 15, 16, 28 and 37 of the Complaint.

3. Deny the allegations contained in paragraph 3 of the Complaint, except admit that Olicker resides at 57 Bacon Road, Old Westbury, New York 11568.

4. Deny the allegations contained in paragraphs 4, 6, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 42 and 43 of the Complaint.

5. Deny the allegations contained in paragraph 5 of the Complaint, except admit that Sample Sale Productions is a New York limited liability company which conducts business in this Judicial District and at 57 Bacon Road, Old Westbury, New York 11568.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint, and deny that Does 1-5 are directly and personally contributing, inducing and engaging in the sale of counterfeit products as alleged by Plaintiff as partners or suppliers to the named Defendants.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint, and deny that Does 6-10 are directly engaging in the sale of counterfeit products as alleged by Plaintiff as partners or suppliers to the named Defendants.

8. Admit the allegations contained in paragraph 11 of the Complaint, and deny knowledge or information sufficient to form a belief as to the truth of the allegations concerning Defendants Does 1-10.

9. Repeat their answers to the allegations realleged in paragraphs 29 and 36 of the Complaint.

10. Deny each and every allegation of the Complaint not expressly admitted herein.

FIRST AFFIRMATIVE DEFENSE

11. The claims against Defendant Olicker are barred because at all times Olicker acted in her capacity as a member of Sample Sale Productions, LLC, and not in her individual capacity.

SECOND AFFIRMATIVE DEFENSE

12. At all times relevant to allegations in the Complaint, Defendant Sample Sale Productions did not own or sell the goods in question.

THIRD AFFIRMATIVE DEFENSE

13. The damages, if any, alleged to have been sustained by the Plaintiff, were caused in whole or in part by the conduct of others which caused or contributed to the alleged damages.

FOURTH AFFIRMATIVE DEFENSE

14. Plaintiff's equitable claims in the Complaint are barred in whole or in part by the doctrine of unclean hands.

FIFTH AFFIRMATIVE DEFENSE

15. Plaintiff's demand for punitive damages should be dismissed because Defendants Olicker and Sample Sale Productions, LLC did not engage in any conduct warranting the imposition of the severe sanction of punitive damages.

WHEREFORE, Defendants Nancy Olicker and Sample Sale Productions, LLC, demand judgment:

A. Dismissing the Complaint; and

B. For such other and further relief as the Court may deem just and proper.

THIRD PARTY COMPLAINT

Third-Party Plaintiff Sample Sale Productions, LLC, for its third-party complaint against Third-Party Defendants Nusraty Corp. and Nargis Nusraty, alleges:

16. Third-Party Plaintiff Sample Sale Productions, LLC is a New York limited liability company with its principal place of business at 57 Bacon Road, Old Westbury, New York 11568.

17. Upon information and belief, Third-Party Defendant Nusraty Corp. is a New York corporation with its principal place of business at 7 Rudolph Drive, 2D, Carle Place, New York 11514.

18. Upon information and belief, Nargis Nusraty is an individual doing business at 7 Rudolph Drive, 2D, Carle Place, New York 11514. Nargis Nusraty is a moving and conscious force behind the operations of Nusraty Corp.

19. This Court has jurisdiction over the Third-Party Complaint pursuant to 28 U.S.C. § 1337(a).

20. As its name indicates, Sample Sale organizes, promotes and conducts sample sales at which vendors attend to sell their goods to the public.

21. Sample Sale is compensated for its efforts in organizing, promoting and conducting the sample sales by receiving payment from the vendors based upon an agreed upon percentage of the various vendors' sales.

22. Sample Sale does not own or sell the vendors' goods.

23. Upon information and belief, and based upon Sample Sales's investigation and the Complaint in this action, Third-Party Defendants Nusraty Corp. and Nargis Nusraty may have

promoted, advertised and sold counterfeit products bearing one or more trademarks owned by Plaintiff Gucci America, Inc. during the sample sales conducted by Sample Sale.

24. As a result, Sample Sale has been forced to retain the undersigned counsel to defend it in this action and has incurred and will continue to incur attorneys' fees as a result of the actions of Third-Party Defendants Nusraty Corp. and Nargis Nusraty

25. Sample Sale denies it is liable to Gucci. However, in the event Sample Sale is liable to Gucci in this action on any of its claims, then Sample Sale is entitled to be indemnified by Third-Party Defendants Nusraty Corp. and Nargis Nusraty for all sums that may be adjudged against Sample Sale, together with costs and reasonable attorneys' fees and other amounts expended by Sample Sale as a result of Gucci's allegations.

WHEREFORE, the Third-Party Plaintiff Sample Sale Productions, LLC demands judgment against Third-Party Defendants Nusraty Corp. and Nargis Nusraty, jointly and severally, for any and all damages which may be assessed against Sample Sale in favor of plaintiff Gucci, and for such other and further relief as the Court may deem just and proper.

Dated: Garden City, New York
June 18, 2008

La REDDOLA, LESTER &
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